shall descend or be distributed as if the person so convicted were dead. The statute is attacked as unconstitutional in a case wherein a wife has been convicted of manslaughter for killing her husband. *Held*, that the statute is constitutional. *Hamblin* v. *Marchant*, 180 Pac. 811 (Kan.).

Prior to this statute Kansas allowed the criminal to profit by his own crime by taking the inheritance. *McAllister* v. *Fair*, 72 Kan. 533, 84 Pac. 112. This result the statute here aimed to preclude. The statutory disqualification might conceivably attach either upon conviction or at the instant of killing. The legislature has no power to interfere with dower which has become vested. *Bottorf* v. *Lewis*, 121 Iowa, 27, 95 N. W. 262. Consequently, to say that the disqualification it created takes effect only upon conviction and, therefore, following the vesting of the estate, would nullify the statute. Further, the statute has expressly directed descent to others than the guilty person. The alternative construction — that the disqualification attaches at the moment of killing — makes the very act which would cause the dower to become vested in the actor work as a bar to its vesting. Acquittal is thus a condition subsequent to the disqualification and conviction a condition precedent to the successful assertion of rights by others who claim under the statute. By this construction, which was the one taken in the principal case, the sole interest affected by the statute is that represented by the wife's statutory dower before her husband's death. This interest is not vested and may be altered at will by the legislature. *Griswold* v. *McGee*, 102 Minn. 114, 112 N. W. 1020, and 113 N. W. 382. See *Randall* v. *Kreiger*, 90 U. S. (23 Wall.) 137, 148. Analogous reasoning has been employed to reach at common law the object aimed at by the Kansas statute. *Perry* v. *Strawbridge*, 209 Mo. 621, 108 S. W. 641; *Box* v. *Lanier*, 112 Tenn. 393, 79 S. W. 1042.

EMINENT DOMAIN—WHEN IS PROPERTY TAKEN?—STREET CONSTRUCTION AND RE-GRADING. — Part of a vacant tract was taken for a street, and the owner claimed compensation for damages to the remainder caused by the use to which the city intended to put the land taken, viz., a public street at a level several feet below the natural level of his land. *Held*, that this is not a proper element of damages. *In re Skillman Ave. in City of New York*, 177 N. Y. Supp. 767.

Part of a tract was taken, and the new street was to be constructed from twenty-one to twenty-five feet above the natural level of the land. The owner claimed that compensation should be made for the resulting depreciation in value of the remainder. *Held*, that this is a proper element of damage. *In re Putnam Ave. West in City of New York*, 177 N. Y. Supp. 768.

For a discussion of these cases, see NOTES, p. 451, *supra*.

EQUITABLE LIENS — EFFECT OF PROMISE THAT BONDHOLDERS SHALL SHARE IN SECURITY OF FUTURE MORTGAGES. — The plaintiff corporation issued bonds in which it promised that, if it thereafter mortgaged any of the property owned by it at the date of issue, the bondholders should share equally with the future mortgagees in the security. The lower court sent up these questions: (1) Did the bonds create an equitable lien on the corporation property at the date of issue? (2) Could the corporation effect a mortgage which would exclude the bondholders from sharing in the security? *Held*, that the first question be answered in the affirmative, the second in the negative. *Connecticut Co.* v. *New York, N. H. & H. R. R. Co.*, 107 Atl. 646 (Conn.).

For a discussion of the principles involved in this case, see NOTES, p. 456, *supra*.

EQUITY — BILLS OF PEACE — BILL TO ENJOIN NUMEROUS SUITS IN A JUSTICE'S COURT AND TRY AS ONE IN EQUITY. — The defendant, assignee of 648 claims against the plaintiff for excess freight charges, brought that many

separate actions against the plaintiff in a justice's court. The court costs alone would have exceeded the total amount claimed; and under procedural rules in that state the actions could not have been consolidated in a justice's court. The plaintiff corporation in a bill in equity asked for an injunction against the separate prosecution of these actions, and for their trial as one in this suit. It alleged the facts set forth above, a conspiracy between the defendant and the justice to defraud the plaintiff, and that the plaintiff had a meritorious defense to the several actions in the alleged unconstitutionality of the statute giving rise to the claims. The lower court sustained a demurrer. On appeal, *held*, that the demurrer should have been overruled. *Atchison, T. & S. F. Ry. Co.* v. *Smith*, 183 Pac. 824 (Cal. App.).

It is well settled that equity has jurisdiction to prevent a multiplicity of suits. See 1 POMEROY, EQ. JURIS., 4 ed., § 267. The only uncertainty is as to the extent of such jurisdiction. Where equitable relief is asked, equity in order to prevent numerous actions between the same parties and about the same subject matter, will generally act. *Goodson* v. *Richardson*, L. R. 9 Ch. 221; *Coatsworth* v. *Lehigh Valley R. Co.*, 156 N. Y. 451, 51 N. E. 301; *Bank of Kentucky* v. *Stone*, 88 Fed. 383. But where the actions are between the same party on the one hand, and many parties on the other hand, there is a division of authority. Some courts have refused to order the actions to be tried in one equity suit unless there is a privity or community of interest between the many parties other than that all their cases involve similar questions of law and fact. *Tribette* v. *Ill. Cent. R. Co.*, 70 Miss. 182, 12 So. 32; *Cumberland Tel. & Tel. Co.* v. *Williamson*, 101 Miss. 1, 57 So. 559; *Ill. Steel Co.* v. *Schroeder*, 133 Wis. 561, 113 N. W. 51. But the weight of authority undoubtedly is that the community of interest need extend only to a similarity of law and fact. *Mayor of York* v. *Pilkington*, 1 Atkyns, 282; *Ill. Cent. R. Co.* v. *Baker*, 155 Ky. 512, 159 S. W. 1169. See 1 POMEROY, EQ. JURIS., 4 ed., § 269. On principle, equity should interfere only if the legal procedure is substantially inadequate to permit a proper defense and if, upon a balance of all interests concerned, justice will be promoted. See *Hale* v. *Allinson*, 188 U. S. 56, 77. See also R. V. Fletcher, "Jurisdiction of Equity Relating to a Multiplicity of Suits," 24 YALE L. JOUR. 642–648; 21 HARV. L. REV. 208. The principal case is clearly right, since the actions are between two parties only, the law and facts in all the several actions are similar, damages are liquidated, and the legal procedure is grossly inadequate.

FEDERAL COURTS — JURISDICTION BASED ON AMOUNT IN CONTROVERSY — REASONABLENESS AND GOOD FAITH OF CLAIM. — An action for the death of a girl three and a half years old was brought by her father in a federal court. A verdict of $900 was set aside as excessive. At the second trial the judge at the close of the plaintiff's evidence entered a compulsory nonsuit on the ground that the controversy did not substantially involve the sum of $3000. *Held*, that the motion to take off the nonsuit be dismissed. *Novitsky et al.* v. *Rozner*, 259 Fed. 913 (Dist. Ct., W. D., Pa.).

The federal district courts have original jurisdiction of suits between citizens of different states where the matter in controversy exceeds the sum of $3000. Such courts are required to dismiss a suit whenever, at any stage of the proceedings, it appears substantially not to involve a dispute within the jurisdiction of the court. See 36 STAT. AT L., 1091, 1098; U. S. JUD. CODE, 24, 37. The purpose of the statute is to prevent the clogging of important tribunals with small causes. See *Davis* v. *Mills*, 99 Fed. 39, 40. It has been broadly stated that the amount claimed by the plaintiff in good faith determines the jurisdiction. *Schunk* v. *Moline, etc. Co.*, 147 U. S. 500. See *Leroy* v. *Hartwick*, 229 Fed. 857, 858. And, of course, the mere fact that a verdict for less than $3000 has been rendered will not affect the jurisdiction. *Armstrong et al.* v. *Walters*, 223 Fed.